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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,377	10/22/2001	Kenneth J. Galipeau	14113.57.1.1	9767

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EXAMINER

LE, DIEU MINH T

ART UNIT

PAPER NUMBER

2184

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,377

Applicant(s)

GALIQUEAU ET AL.

Examiner

Dieu-Minh Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the amendment filed May 05, 2003 in application 10/004,377.

2. Claims 1-22 have been canceled, claim 23-30 have been added.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Applicant's arguments with respect to claims 23-30 have been considered but are moot in view of the new ground(s) of rejection.

5. Claims 23-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable Funk (US Patent 5,793,497) in view of Cheffetz et al. (US Patent 5,133,065 hereafter referred to as Cheffetz).

As per claim 23:

Funk substantially teaches the invention. Funk teaches:

- a method for data protection [abstract, col. 5, lines 29-33 and col. 6, lines 1-11]

comprising:

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- accessing a file in a computer system [col. 7, lines 55-59];
- capturing change information representing a change to the file [col. 6, lines 1-11].
- transmitting the change information through a network [fig. 1, col. 2, lines 14-28].

Funk does not explicitly teach:

- the transmission is initiated substantially concurrently with a time the change to the file occurs.

However, Funk does disclose capability of:

- a method and apparatus for delivering and modifying information electronically [abstract, col. 2, lines 14-27] comprising:
 - a connectivity among memory, processor, end-user terminals (i.e., remote as well as local) via LAN and Internet (WAN) environment [fig. 1, col. 3, lines 35 through col. 4, lines 25];
 - information exchanging and dynamically updating between source and destination (i.e., end user terminals) via a network in a real-time [col. 5 lines 43-51];

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- information modification and editing [col. 6, line 64 through col. 7, line 20];
- file generating, updating information to and from database, and transmitting data via a network [col. 2, lines 14-41].

In addition, Cheffetz explicitly teaches:

- a computer network for backing up data and program file located on networked workstation onto a central [abstract, col. 1, lines 8-15];

comprising:

- an substantially concurrently data backup transmission between remote workstation and master workstation via a network [col. 3, lines 49-59];
- maintaining security over confidential data or program files (*i.e., data protection*) [col. 3, lines 23-26];
- file accessing, data processing, data exchanging/sharing over the network [col. 3, lines 28-35].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made first, to realize the Funk's method and apparatus for delivering and modifying information electronically comprising a connectivity among memory, processor, end-user terminals (*i.e.,*

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remote as well as local) via LAN and Internet (WAN) environment and more specifically **an information exchanging and dynamically updating between source and destination (i.e., end user terminals) via a network in a real-time** as being the transmission is initiated substantially concurrently with a time the change to the file occurs as claimed by Application. Since the Funk's method and apparatus for delivering and modifying information electronically does deal with a data file/information updating and exchanging between communication nodes (i.e., sources/destinations) or end user terminal in real-time process, the data/information should be updated in real-time (i.e., substantially concurrently changes of data files) within the data security or protection environment, such as stock and bank data/information updating and exchanging security environment;

second, one would modify the Funk's method and apparatus for delivering and modifying information electronically to explicitly including **an substantially concurrently data backup transmission between remote workstation and master workstation via a network** as taught by Cheffetz's computer network for backing up data and program file located on networked workstation onto a central in supporting the computer data

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protection via data file/information updating and exchanging transmission.

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the computer data file/information transmission via a networking environment with a mechanism to enhance the data security, data performance, data availability, and data integrity in ordering to providing an optimal data/information protection and exchanging system.

It is further obvious because by utilizing this approach, data files within the protected system can be realized in latest data/information transmitted among end user communication, real-time data process, and data security protection and execution.

As per claims 24-28:

Funk substantially teaches the invention. Funk teaches:

- a method for data protection [abstract, col. 5, lines 29-33 and col. 6, lines 1-11]

comprising:

- a change is a file and write operation (*i.e., information modification and editing*) [fig. 5, col. 5, lines 52-66 and col. 6, lines 64 through col. 7, lines 20];

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- the file is accessed by an application program [col. 3, lines 35-42 and col7, lines 21-26].
- the change information is transmitted to a second computer and to a remote computer (i.e., end users terminal data transmitted via a LAN and Internet (WAN) environment as well as information exchanging and dynamically updating between source and destination (*i.e., end user terminals*) via a network in a real-time) [fig. 1, col. 3, lines 59 through col. 4, lines 23].

In addition, Cheffetz explicitly teaches:

- a computer network for backing up data and program file located on networked workstation onto a central [abstract, col. 1, lines 8-15];

comprising:

- **an substantially concurrently data backup transmission between remote workstation and master workstation via a network** [col. 3, lines 49-59];
- maintaining security over confidential data or program files (*i.e., data protection*) [col. 3, lines 23-26];
- file accessing, data processing, data exchanging/sharing over the network [col. 3, lines 28-35].

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As per claim 29:

Claim 29 similar to claim 23. The only minor different is that claim 29 additionally introduced a memory coupled with processor.

However, Funk does disclose capability of:

- a system for data protection [abstract, col. 5, lines 29-33 and col. 6, lines 1-11]

comprising:

- a database coupled with the processor in supporting the data configuration, data exchanging, data updating, etc... [fig. 2, col. 4, lines 25-31].
- a connectivity among memory, processor, end-user terminals (*i.e., remote as well as local*) via LAN and Internet (WAN) environment [fig. 1, col. 3, lines 35 through col. 4, lines 25];

Therefore, this claim is also rejected under the same rationale applied against claim 23. **In addition, all of the limitations have been noted in the rejection as per claim 23.**

As per claim 30:

Claim 30 similar to claim 23. The only minor different is that claim 29 additionally introduced change information between a first and second file.

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However, Funk does disclose capability of:

- a method for data protection [abstract, col. 5, lines 29-33 and col. 6, lines 1-11]

comprising:

- information exchanging and dynamically updating between source and destination (i.e., end user terminals) via a network in a real-time [col. 5 lines 43-51] (*i.e., change information between a first and second file*);
- a connectivity among memory, processor, end-user terminals (*i.e., remote as well as local*) via LAN and Internet (WAN) environment [fig. 1, col. 3, lines 35 through col. 4, lines 25];

In addition, Cheffetz explicitly teaches:

- a computer network for backing up data and program file located on networked workstation onto a central [abstract, col. 1, lines 8-15];

comprising:

- an substantially concurrently data backup transmission between remote workstation and master workstation via a network [col. 3, lines 49-59] (*i.e., change information between a first and second file*).

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Therefore, this claim is also rejected under the same rationale applied against claim 23. **In addition, all of the limitations have been noted in the rejection as per claim 23.**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (703) 305-9408. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for this Group is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7238, (for formal communications; please mark
"EXPEDITED PROCEDURE")

Or:

(703) 746-7240 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



**DIEU-MINH THAI LE
PRIMARY EXAMINER
ART UNIT 2184**

DML
8/9/03